REMARKS

In response to the Office Action dated February 3, 2004, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

In response to the objections set forth in section 1 of the Office Action, the specification has been amended to insert the serial number of the referenced application, and claim 28 has been amended to remove the duplicated phrase. The Examiner's identification of these items is noted with appreciation.

Claims 1 and 2 were rejected under 35 U.S.C. § 102, on the grounds that they were considered to be anticipated by the Zager et al. patent (US 6,393,386). All other pending claims were rejected under 35 U.S.C. § 103, as allegedly being unpatentable over the Zager patent. While the Zager patent describes a model of a network, it is respectfully submitted that it does not disclose, nor otherwise suggest, a model of the type recited in the pending claims.

As set forth in the background portion of the specification, the present invention is directed to the provisioning of servers and other devices that support sites on a network. To facilitate automated provisioning of such devices, the present invention provides a data model that characterizes all of the salient features the network. Thus, for example, once the operating parameters of a server have been appropriately configured to provide the desired level of service, information pertaining to the software packages and the operating parameter settings is stored in the data model. Thereafter, when the network site is to be scaled up, by installing additional servers, the information stored in the data model can be used to rapidly and automatically configure the additional servers, without the need for human input.

The Zager patent is not directed to the same objective as the present invention. Rather than the automated provisioning of devices on a network, the Zager patent is concerned with identification of the systematic impact of a problem in a network. See, generally, the discussion beginning at column 2, line 11 and particularly the sentence bridging columns 2 and 3 of the patent. In other words, once a problem is discovered on the network, the system of the Zager patent tries to identify how that problem will impact various parts of the network, so as to guide problem resolution efforts.

Consistent with this purpose, the model disclosed in the Zager patent provides a service-oriented view of the network, to be able to simulate the evolution of faults and performance degradations throughout the network. As stated at column 6, lines 25-27, the model "represents the various components, relevant subcomponents, and their service relationships to each other." With this information, predictions can be made about the manner in which a fault at a given point in the network will affect other components of the network.

Because the Zager patent is directed to a different objective, it does not store the same information in its data model as the present invention. For instance, as described previously, a significant aspect of the automated provisioning of servers is the configuration of the operating parameters for the hardware, software, and network components of the server. It is not enough to simply load software onto a server, and then expect it to run properly. Rather, a variety of different operating parameters, e.g. I/O ports, network addresses, memory settings, and the like, may need to be adjusted to achieve optimum performance. For this reason, the data model of the present invention includes a plurality of configuration entities containing information regarding the settings for the software components, hardware devices and other network components. There is no need to store this kind of configuration

information in the data model of the Zager patent, since such details are not relevant to the types of predictions that the data model is designed to facilitate. In this regard, it is to be noted that the patent explicitly states that "the model itself does not contain all available information about the nature of each component..." (Column 6, lines 27-30.)

Another element of the data model of the present invention is software entities that represent software components of the network, and the relationship of those software components to the hardware devices connected to the network. While the Zager patent discloses that the discovery process locates hardware and software components of the external network, it does not disclose that these software components are stored in the data model. Rather, they are examined to determine the services that are provided to other components. These services, rather than the software components, are stored in the data model. See, for example, column 8, lines 1-5, as well as the more detailed description of the data model elements that follow this passage.

For at least the foregoing reasons, therefore, it is respectfully submitted that the Zager patent does not anticipate the subject matter of claims 1 and 2.

The rejection of claims 3-100 under 35 U.S.C. § 103 appears to be based upon two main premises. With respect to a number of the claims, the Office Action states that it would have been obvious "to include any known components of a network in the network model system taught by Zager to more accurately model the network." See, for example, the last sentence on page 4 of the Office Action. It is respectfully submitted, however, that the Zagar patent teaches away from such a thought. Rather than suggesting that any and all information about a component be stored in the model, the Zagar patent explicitly states that only a subset of the information acquired during the discovery process is stored in the model (column 6, lines 27-34). In particular, only that information which is necessary to understand the service

relationships of components is stored in the model. It would not be obvious to include information about components that is not pertinent to this purpose, since it would defeat the stated objective of simplifying the model. Absent knowledge of the present invention, there is no reason to store any information in the data model of the Zager patent other than that which is explicitly disclosed for the purpose of determining fault evolution.

The other main premise that underlies the rejection is that it would be obvious to include any entity-specific relationship in the system of the Zager patent. To this end, the Office Action states that the Zager patent suggests, in columns 6 and 29, "that entities can have any type of relationship to other entities." See, for instance, the Office Action at page 4, lines 3-9.

Applicants are unable to find any disclosure in columns 6 and 29 that support this premise. The most pertinent passage appears to be at column 29, lines 61-62, which states "Relationship rules specify what entity rules participate in what types of relationships." However, this passage does not suggest that an entity can have *any* type of relationship to other entities. Rather, it describes a very structured approach, in which an entity can only have a relationship that is specified by a rule. In other words, a given entity can only have certain types of relationships to other entities, as defined by such rules. There is no suggestion that *any* type of relationship can exist between any two entities.

For at least the foregoing reasons, therefore, it is respectfully submitted that the Zager patent does not disclose, nor otherwise suggest, the specific features of the data model set forth in claims 3-100.

For the foregoing reasons, it is respectfully submitted that the pending claims define subject matter which is patentably distinct from the teachings of the Zager patent. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Respectfully submitted,

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